

\_\_\_\_\_ BILL NO. \_\_\_\_\_

INTRODUCED BY \_\_\_\_\_  
(Primary Sponsor)

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A STATE AGENCY'S OR A GOVERNING BODY'S DECISION TO AWARD AN ALTERNATIVE PROJECT DELIVERY CONTRACT, IN ADDITION TO EXISTING REQUIREMENTS, MUST BE BASED UPON ANY ADDITIONAL CRITERIA OR FACTORS THAT DEMONSTRATE THE BEST VALUE TO THE PERSONS SERVED BY THE STATE AGENCY OR THE CONSTITUENTS OF THE GOVERNING BODY; AND AMENDING SECTION 18-2-503, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 18-2-503, MCA, is amended to read:

**"18-2-503. Alternative project delivery contract -- award criteria.** (1) (a) Whenever a state agency or a governing body determines, pursuant to 18-2-502, that an alternative project delivery contract is justifiable, the state agency or the governing body shall publish a request for qualifications.

(b) After evaluating the responses to the request for qualifications, a request for proposals must be sent to each respondent that meets the qualification criteria specified in the request for qualifications. The request for proposals must clearly describe the project, the state agency's or the governing body's needs with respect to the project, the requirements for submitting a proposal, criteria that will be used to evaluate proposals, and any other factors, including any weighting, that will be used to award the alternative project delivery contract.

(2) The state agency's or the governing body's decision to award an alternative project delivery contract must be based, at a minimum, on:

(a) the applicant's:

(i) history and experience with projects similar to the project under consideration;

(ii) financial health;

(iii) staff or workforce that is proposed to be committed to the project;

(iv) approach to the project; and

(v) project costs; ~~and~~

(b) any additional criteria or factors that reflect the project's characteristics, complexities, or goals; and

(c) any additional criteria or factors that demonstrate the best value to the persons served by the state

1 agency or the constituents of the governing body.

2 (3) Under any contract awarded pursuant to this part, architectural services must be performed by an  
3 architect, as defined in 37-65-102, and engineering services must be performed by a professional engineer, as  
4 defined in 37-67-101.

5 (4) At the conclusion of the selection process, the state agency or the governing body shall state and  
6 document in writing the reasons for selecting the contractor that was awarded the contract. The documentation  
7 must be provided to all applicants and to anyone else, upon request.

8 (5) A state agency or the governing body may compensate unsuccessful applicants for costs incurred  
9 in developing and submitting a proposal, provided that all unsuccessful applicants are treated equitably."

10 - END -